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# 3

SUNESIS.2DV1C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wells et al. ) Group Art Unit:  
App. No. : 10/043,833 ) Unknown  
Filed : January 11, 2002 )  
For : METHODS FOR IDENTIFYING )  
SMALL ORGANIC MOLECULE )  
LIGANDS FOR BINDING TO )  
BIOLOGICAL TARGET )  
MOLECULES )  
Examiner : Unknown

PETITION UNDER 37 C.F.R. § 1.182

RECEIVED

APR 29 2002

OFFICE OF PETITIONS

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Adjustment date: 08/29/2002 AKELLEY  
04/24/2002 6TEFFERA 00000082 10043833.00 OP  
BOX: DAC  
Repln. Ref: 08/29/2002 AKELLEY 0010595500  
04/24/2002 6TEFFERA 00000082 10043833.00 CR  
Dear Sir:

The present Petition is filed in reply to the Notice of Omitted Item(s) in a Nonprovisional Application filed under 37 CFR 1.53(b) mailed on April 4, 2002, a copy of which is attached. Applicants submit that page 29 of the specification was duly deposited in the U.S. Patent and Trademark Office (USPTO) on January 11, 2002 with the provisional application papers.

APPLICANTS HEREBY PETITION that page 29 be incorporated into the specification as part of the application as filed on January 11, 2002.

In support of the present Petition, enclosed are the following documents:

1. a copy of a Certificate of Mailing by "Express Mail;"

Appl. No. : 10/043,833  
Filed : January 11, 2002

2. a copy of a return receipt postcard, stamped by the USPTO on January 11, 2002; and
3. a copy of page 29 of the specification.

Both the Certificate of Mailing and the return receipt postcard indicate that the specification contains 36 pages. In addition, the postcard indicates that the specification includes 23 claims. Since the postcard adequately itemizes the number of pages and claims in the specification, the date stamp on the return receipt postcard is *prima facie* evidence that all items listed on the postcard, including all 36 pages of the specification and 23 claims, were received at the USPTO on January 11, 2002 (M.P.E.P. 503).

This statement is made by the attorney signing below.

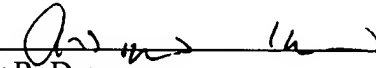
Enclosed is a check in the amount of \$130 to cover the petition fee under 37 C.F.R. §§ 1.182 and 1.17(h). A refund of the petition fee is hereby requested.

Although no further fees are believed to be due, please charge any further fees and credit refund to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 18, 2002

By:   
Ginger R. Dreger  
Registration No. 33,055  
Attorney of record  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
(415) 954-4114

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REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>8/26/02</u>		2 Serial/Patent # <u>10/043,833</u>									
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
<input type="checkbox"/> Filing			\$								
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<input checked="" type="checkbox"/> Petition	3	4/23/02	\$ 130.00								
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<input type="checkbox"/> Maintenance			\$								
<input type="checkbox"/> Assignment			\$								
<input type="checkbox"/> Other			\$								
		7 TOTAL AMOUNT OF REFUND		\$ 130.00							
		8 TO BE REFUNDED BY:									
		Treasury Check									
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10 REASON:											
<input type="checkbox"/> Overpayment											
<input type="checkbox"/> Duplicate Payment											
<input checked="" type="checkbox"/> No Fee Due (Explanation):											
<p><i>Allegedly missing page of spec was present on filing of app. Postcard proves it. Ref fee should be refunded</i></p>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Eleanor Shirene Willis</u>			TITLE: <u>Petitions Attorney</u>								
SIGNATURE: <u>E. Shirene Willis</u>			PHONE: <u>308-6712</u>								
OFFICE: <u>Office of Petitions</u>											
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APPROVED: <u>Chana Kelly</u>			DATE: <u>8/29/02</u>								

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